



**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>BRIDGET ESSI,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>and</b>	)	<b>Charge No.: 2001CA1158</b>
	)	<b>EEOC No.: 21BA10349</b>
	)	<b>ALS No.: 11725</b>
<b>MARCEL MENSAH and DUBOIS</b>	)	
<b>DOUGLAS CENTER,</b>	)	
	)	
<b>Respondents.</b>	)	

**RECOMMENDED LIABILITY DETERMINATION**

On February 26, 2002, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Bridget Essi. The complaint alleged that Respondents, Marcel Mensah and Dubois Douglas Center, sexually harassed Complainant. The complaint further alleged that Respondents unlawfully retaliated against Complainant by suspending and discharging her.

On May 3, 2002, Complainant filed an amended complaint on her own behalf. Like the initial complaint, the amended complaint contained allegations of sexual harassment and retaliation by Respondents against Complainant.

A public hearing was held on the allegations of the amended complaint on April 21 through April 23, 2003. Subsequently, the parties filed posthearing and reply briefs. The matter is ready for decision.

**FINDINGS OF FACT**

Facts numbers one through four are facts which were stipulated by the parties or admitted in the answer to the amended complaint. The remaining facts are those which were determined to have been proven by a preponderance of the evidence at the public hearing in this matter. Assertions made at the public hearing which are not addressed herein were

determined to be unproven or were determined to be immaterial to this decision.

1. The corporate Respondent, Dubois Douglas Center, hired Complainant, Bridget Essi, in March of 1999.

2. Complainant's position was Team Leader at Dubois Douglas Center's Clarisse facility.

3. The individual Respondent, Marcel Martins-Mensah, was Executive Director of the Dubois Douglas Center.

4. Complainant is female.

5. Complainant has earned the professional designation of Qualified Mental Retardation Professional (QMRP).

6. Complainant's job duties included supervising a house where up to eight clients lived. That supervision involved directing staff and preparing client treatment plans. Some of the clients in the Clarisse facility were mentally retarded, while some were "dual diagnosed" as both mentally retarded and physically ill.

7. Complainant first met Mensah when they both worked for the Victor Newman Center, a social service agency.

8. Before beginning full-time work for Dubois Douglas Center, Complainant worked for Mensah on an on-call basis. During that time, she worked full-time for another social service organization.

9. The main office for Dubois Douglas Center was in the basement of Mensah's home in Dolton, Illinois.

10. As part of her normal duties, Complainant went to the office to deliver payroll information and other documents and to pick up paychecks for her staff.

11. Approximately one week after she began work for Dubois Douglas Center, Complainant brought some documents to the corporate office in Mensah's house. When she

arrived, Mensah was wearing only a robe. Mensah grabbed Complainant but she pulled away. She told Mensah that she was not interested in him and was just there to work for him. She also told him that if he did not stop, she would file a complaint.

12. Approximately two months after Complainant began work for Dubois Douglas Center, Mensah grabbed Complainant's breasts and buttocks during a visit to the corporate office in his house. After Complainant pulled away from him, Mensah went upstairs and returned completely naked.

13. Mensah's duties included visiting Dubois Douglas Center's various facilities. During those visits, he would inspect the physical facilities and make sure that procedures were being followed and paperwork was being done properly.

14. From time to time, Mensah visited the Clarisse site when the clients were gone but Complainant was present. On some of those occasions, Mensah attempted to grab or kiss Complainant.

15. Complainant never encouraged Mensah's sexual advances.

16. In or about September of 1999, Mensah called Complainant's home and told Complainant that he needed to stop by to discuss a work related matter. Complainant's teenaged daughter, Benedita Omene, was in her room in another part of the apartment. Soon after entering Complainant's apartment, Mensah began grabbing her breasts and buttocks. Complainant yelled at Mensah to leave her alone, but he did not let go of her until her daughter entered the room. When Omene appeared in the doorway, Mensah released Complainant and left the apartment.

17. After the September, 1999 incident, Omene urged Complainant to quit her job. She offered to work during the school year if money was a problem.

18. In or about November of 1999, Mensah asked Complainant to cook some African food for him and told her he would pick it up at her apartment. Complainant prepared

the food as she was asked and waited for Mensah to pick it up. When Mensah arrived, Complainant buzzed him into the apartment. When Mensah entered the apartment, Complainant was sitting on the living room couch. Mensah climbed on top of Complainant and began feeling her breasts and trying to kiss her. Complainant screamed and Omene, who was in her room, heard the screaming. When Omene arrived to investigate the screaming, she saw Mensah on top of her mother. She asked what was going on and she said she was going to call the police. Mensah quickly got up off the couch, said he was sorry, and left the apartment.

19. After the November, 1999 incident, Omene again told Complainant to quit her job. Complainant explained that she needed the job to keep the family going.

20. At the time of the public hearing in this matter, Omene was eighteen years old and a student at Northwestern University.

21. Complainant did not do a good job of maintaining clients' records. Mensah wrote several memos to Complainant in which he strongly criticized her record keeping. Some of those memos were very detailed and contained numerous examples of poor record maintenance.

22. Mensah wrote several memos to Complainant in which he threatened to discharge her or otherwise discipline her because of perceived shortcomings in her job performance.

23. In late June or early July of 2000, Mensah accused Complainant of practicing medicine without a license. A client had vomited after dinner and Complainant directed her staff to monitor the client's vital signs and give him Seven-Up instead of taking him to a doctor.

24. In late June or early July of 2000, Complainant was attacked and injured by a client. Complainant subsequently went on sick leave for about two weeks.

25. On August 14, 2000, Complainant met with Mensah in his office.

26. In mid-August of 2000, Mensah suspended Complainant for two weeks.

Complainant never returned to work after that suspension.

27. Complainant was very embarrassed by Mensah's actions. She was particularly embarrassed and upset by the fact that her teenaged daughter witnessed some of the harassing behavior.

28. To avoid having to face Mensah in the corporate office, Complainant would try to get her staff to pick up and drop off paychecks and other documents at the office.

29. Complainant did not see a doctor about the emotional distress caused by the sexual harassment.

30. Complainant should be compensated in the amount of \$35,000.00 for the emotional distress caused by Respondent's actions.

#### CONCLUSIONS OF LAW

1. Complainant is an "aggrieved party" as defined by section 1-103(B) of the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.* (hereinafter "the Act").

2. Respondent Dubois Douglas Center is an "employer" as defined by section 2-101(B)(1)(a) of the Act and is subject to the provisions of the Act.

3. Respondent Marcel Martins-Mensah is an "employee" as that term is used in section 2-102(D) of the Act and is subject to the Act's provisions regarding sexual harassment.

4. Respondent Marcel Martins-Mensah was a managerial employee of Respondent Dubois Douglas Center.

5. Complainant proved by a preponderance of the evidence that Respondents sexually harassed her.

6. Complainant established a *prima facie* case of retaliation against her.

7. Respondents articulated a legitimate, non-discriminatory reason for their actions.

8. Complainant failed to prove by a preponderance of the evidence that Respondents' articulated reason is a pretext for unlawful retaliation.

## DISCUSSION

### Liability

The corporate Respondent, Dubois Douglas Center, hired Complainant, Bridget Essi, in March of 1999. Complainant's position was Team Leader at Dubois Douglas Center's Clarisse facility. The individual Respondent, Marcel Martins-Mensah, was Executive Director of the Dubois Douglas Center. Mensah was the individual who made the decision to hire Complainant.

Complainant has earned the professional designation of Qualified Mental Retardation Professional (QMRP). Her job duties as group leader included supervising a house where up to eight clients lived. That supervision involved directing staff and preparing client treatment plans. Some of the clients in the Clarisse facility were mentally retarded, while some were "dual diagnosed" as both mentally retarded and physically ill.

In late June or early July of 2000, Complainant was attacked and injured by a client. As a result of her injuries, Complainant went on sick leave for about two weeks, until August 14. On August 14, 2000, Complainant met with Mensah in his office. In mid-August of 2000, Mensah suspended Complainant for two weeks. Complainant never returned to work after that suspension.

Subsequently, Complainant filed a charge of discrimination against Respondents. That charge alleged that Respondents sexually harassed Complainant. The charge further alleged that Respondent suspended and discharged Complainant in retaliation for her objections to Respondent's sexual harassment.

Complainant's two claims require separate analyses. Her sexual harassment claim will be considered first.

Section 2-101(E) of the Act defines sexual harassment as:

...any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly

or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

To establish that conduct created an "intimidating, hostile or offensive working environment," (1) the conduct must be shown to be severe or pervasive enough to create an objectively hostile or abusive working environment and (2) the environment must have been subjectively hostile or abusive, in that the complainant must have perceived it as hostile or abusive. ***Trayling and Board of Fire & Police Commissioners***, 273 Ill. App. 3d 1, 652 N.E.2d 386 (2d Dist. 1995).

Complainant's allegations in this case, if believed, unquestionably are sufficient to meet the legal definition of sexual harassment. Mensah, though, categorically denies that those allegations are true. Thus, Complainant's sexual harassment claim turns completely on issues of credibility.

There are a few minor points on which the parties agree. For instance, there is no dispute that the main office for Dubois Douglas Center was in the basement of Mensah's home in Dolton, Illinois. Moreover, the parties agree that, as part of her normal duties, Complainant went to the main office to deliver payroll information and other documents and to pick up paychecks for her staff. Most other facts regarding Complainant's interactions with Mensah are in dispute.

Complainant testified to a long list of allegations regarding Mensah's behavior. For example, approximately one week after she began work for Dubois Douglas Center, Complainant brought some documents to the corporate office in Mensah's house. When she arrived, Mensah was wearing only a robe. Mensah grabbed Complainant but she pulled away. She told Mensah that she was not interested in him and was just there to work for him. She also told him that if he did not stop, she would file a complaint. That was not the only allegations regarding improper behavior at the main office. According to Complainant,

approximately two months after she began work for Dubois Douglas Center, Mensah grabbed her breasts and buttocks during a visit to the corporate office. After Complainant pulled away from him, Mensah went upstairs and returned completely naked.

Complainant's allegations also included improper behavior in the facility she managed. Mensah's duties included visiting Dubois Douglas Center's various properties. During those visits, he would inspect the physical facilities and make sure that procedures were being followed and paperwork was being done properly. From time to time, Mensah visited the Clarisse site when the clients were gone but Complainant was present. According to Complainant, every time she and Mensah were alone in the facility, he would grab her and try to kiss her.

Finally, there were allegations of harassment in Complainant's own home. Complainant testified that, in or about September of 1999, Mensah called Complainant's home and told her that he needed to stop by to discuss a work related matter. Complainant's teenaged daughter, Benedita Omene, was in her room in another part of the apartment. Soon after entering Complainant's apartment, Mensah began grabbing her breasts and buttocks. She yelled at Mensah to leave her alone, but he did not let go of her until her daughter entered the room. When Omene appeared in the doorway, Mensah released Complainant and left the apartment. In a similar incident in or about November of 1999, Mensah asked Complainant to cook some African food for him and told her he would pick it up at her apartment. She prepared the food as she was asked and waited for Mensah to pick it up. When Mensah arrived, Complainant buzzed him into the apartment. When Mensah entered the apartment, Complainant was sitting on the living room couch. Mensah climbed on top of Complainant and began feeling her breasts and trying to kiss her. She screamed and Omene, who was in her room, heard the screaming. When Omene arrived to investigate the screaming, she saw Mensah on top of her mother. She asked what was going on and she said she was going to call the police. Mensah



quickly got up off the couch, said he was sorry, and left the apartment.

Not surprisingly, Mensah denied all of those allegations. Clearly, the deciding factor is credibility.

Neither Mensah nor Complainant was completely convincing in the witness chair. Complainant's general tone seemed credible. She seemed outraged at points in her testimony. At other points, she was near tears. Those emotions appeared genuine, rather than faked. Still, it is hard to accept at face value her claims that Mensah grabbed her virtually every time they encountered each other. She testified that he grabbed her within seconds of their very first meeting, years before he established Dubois Douglas Centers. That is difficult to believe. In addition, at one point, she testified that she begged him to stop humiliating her in front of her staff. If Mensah had acted inappropriately in front of other employees, it would be likely that one of those employees would have testified. As a result, it appears that Complainant's testimony contains at least some exaggeration.

On the other hand, Mensah's demeanor on the witness chair did not inspire confidence. His denials seemed more perfunctory than genuine. Still, in light of Complainant's apparent exaggerations, it would have been very difficult to determine the more credible witness solely on the basis of demeanor.

Fortunately for Complainant, she was able to produce a witness to two of Mensah's more egregious actions. Complainant's daughter, Benedita Omene, testified that she saw Mensah grabbing (and, in the second instance, lying on top of) her mother in her apartment. She also testified that, in both instances, her mother was yelling at Mensah and trying to get away from him. That testimony was devastating to Mensah's defense to the sexual harassment claim.

Obviously, Omene's relationship to Complainant is a factor to consider in evaluating her testimony. Nonetheless, she came off extremely well and her testimony is entitled to

considerable weight. Respondents' brief suggests that there were significant differences in the stories told by Complainant and Omene, but that suggestion was disregarded. The cited differences were not tremendously important. (For example, there was a dispute about the time of day when one of the incidents occurred. Given that Omene was in her room studying, it is hardly surprising that she might not know exactly what time of day she was interrupted by her mother's yelling.) On balance, Omene was the most credible witness at the public hearing. The important facts in her testimony strongly corroborated Complainant's story.

On the strength of Omene's corroboration, it is clear that Complainant's version of events regarding her sexual harassment claim is more credible than Mensah's version. Although Complainant probably exaggerated the frequency of Mensah's advances, it is impossible to believe that his only such advances were the ones witnessed by Omene. As a result, it is accepted that Mensah regularly made sexual advances to Complainant in that he touched or grabbed her and tried to kiss her. Complainant testified that Mensah's advances were unwelcome and that she told him that. Mensah's activity clearly falls into the Act's definition of sexual harassment and a finding against Mensah on the sexual harassment claim is recommended.

Mensah was the founder and executive director of the corporate Respondent, Dubois Douglas Center. He was unquestionably a member of management. Therefore, Mensah's actions can be imputed to the corporate Respondent and a finding against Dubois Douglas Center is appropriate.

This discussion can now turn to Complainant's retaliation claims. Complainant has two separate retaliation claims. One claim is that she was suspended for 14 days in retaliation for resisting Mensah's sexual harassment. The other claim is that she was discharged for opposing Mensah's harassment. Both of those claims must be evaluated under the well-established three-part method of analysis. First, Complainant must establish a *prima facie*

showing of discrimination. If she does so, Respondents must articulate a legitimate, non-discriminatory reason for their actions. For Complainant to prevail, she must then prove that Respondents' articulated reason is pretextual. **Zaderaka v. Human Rights Commission**, 131 Ill. 2d 172, 545 N.E.2d 684 (1989). See also **Texas Dep't of Community Affairs v. Burdine**, 450 U.S. 251 (1981).

To establish a *prima facie* case of retaliation for each of her claims, Complainant would have to prove three elements. She must prove 1) that she engaged in a protected activity, 2) that Respondents took an adverse action against her, and 3) that there was a causal nexus between the protected activity and Respondents' adverse action. **Carter Coal Co. v. Human Rights Commission**, 261 Ill. App. 3d 1, 633 N.E.2d 202 (5th Dist. 1994). On the suspension claim, two of those elements are in dispute. On the discharge claim, all three of those elements are in dispute.

Complainant says that when she protested Mensah's sexual harassment, she was engaging in a protected activity. Respondent maintains that no sexual harassment took place and that Complainant therefore never complained about that harassment. Respondent's position on this issue is untenable. As discussed above, the evidence supports Complainant's claim that she was harassed. Moreover, in light of that evidence, it is inconceivable that Complainant did not make her objections known. Since such objections are protected activities, it is clear that, for both the suspension claim and the discharge claim, Complainant established the first element of her *prima facie* case.

With regard to the suspension claim, there is no real dispute on the second element. It is uncontested that Mensah suspended Complainant for 14 days in August of 2000. Such a suspension clearly is an adverse action. Therefore, Complainant established the second element of her *prima facie* case.

With regard to the discharge claim, the second element is more problematic.

Complainant asserts that she was discharged because of her complaints of harassment. Respondents, though, state that they did not discharge Complainant. Instead, according to Respondents, Complainant abandoned her job by refusing to return to work. To make sense of the parties' positions, it is necessary to discuss some events that took place during the summer of 2000.

In late June or early July of 2000, Complainant was attacked and injured by a client. Complainant subsequently went on sick leave for about two weeks. (There is some ambiguity in many of the dates during this period of time. Part of that ambiguity may be the result of questionable record keeping.) On August 14, 2000, Complainant met with Mensah in his office. During that meeting, there was a discussion of Complainant's job performance. During the meeting, Mensah presented her with several memoranda that were critical of her work. Within a day or two of that meeting, Mensah suspended Complainant for fourteen days.

It is uncontested that Complainant never returned to work after the end of that fourteen-day suspension. She testified that Mensah effectively fired her when he told her over the telephone not to come back to any of his sites. Mensah testified that Complainant simply never returned, even after he told her to do so, so he concluded that she had chosen to abandon her job.

There is little documentation regarding Complainant's departure. Mensah sent her two letters demanding that she return all items belonging to the Dubois Douglas Centers, including such things as keys and receipts for expenditures. The first of those letters states that Complainant neither appeared for work nor called to explain her absence. If Complainant provided any written response to those letters, that response was not submitted at the public hearing.

Although the August 14 meeting was highly critical of Complainant's job performance, there is no indication that mere criticism would have been enough to force her to resign. After

all, Complainant did not resign even after the harassment incidents in her own home. Moreover, since she was unemployed for some time after leaving Dubois Douglas Centers, it is clear that she had no other job prospects lined up. Thus, on balance, it seems more likely than not that Complainant was discharged. Because a discharge is undoubtedly an adverse action, Complainant established the second element of her *prima facie* case.

Unfortunately for Complainant, she failed to establish the third element of her *prima facie* case with regard to either claim. She failed to establish any causal nexus between the adverse acts (the suspension and the discharge) and her complaints about sexual harassment.

For purposes of a *prima facie* case, a connection can be established by showing that there was a relatively short time span between the protected activity and the adverse action. ***Ellis and Brunswick Corp.***, 31 Ill. HRC Rep. 325 (1987). That, however, is of no value in this case. According to Complainant's own testimony, she was complaining about sexual harassment within a week of her hire in spring of 1999. She testified that, during her first trip to Mensah's office, he grabbed her but she pulled away and threatened to file a complaint against him. She testified that she threatened to go to the authorities on many different occasions. She even testified that, on at least one occasion, she threatened to call the police. It is highly unlikely that Mensah fired her in August or September of 2000 for complaints that she had been making without effect since March or April of 1999. Therefore, time is of no help to Complainant in this case.

Complainant testified that, during the August 14 meeting, Mensah told her that she would have to sleep with him in order to keep her job. She argues that it was her refusal to agree to that arrangement that was the cause of her discharge. However, that is not the claim she makes in the amended complaint in this matter (or, for that matter, the first complaint or the initial charge of discrimination). In her amended complaint, she claims her discharge was in retaliation for her objections to sexual harassment. As suggested above, it is highly unlikely

that Mensah decided to suspend or fire Complainant for refusing to sleep with him after he accepted her lack of interest (and her objections to his actions) for many months.

According to Respondents, Complainant's suspension was due to allegations that she had effectively practiced medicine without a license by ordering that a vomiting resident be given Seven-up rather than being brought to a doctor. Although Complainant testified that her actions were consistent with Dubois Douglas Centers' policies, that testimony was contradicted by witnesses produced by Respondents.

Furthermore, there is abundant evidence in the record that Complainant's overall job performance was unacceptable. There are several memoranda in the record that criticize her work, particularly in the area of record keeping. Memoranda dated 9/15/99, 10/7/99, 11/9/99, 11/15/99, 11/23/99, 1/10/00, and 5/10/00 all make pointed references to Complainant's failure to keep her site's files in good order. In particular, the memoranda dated 11/9/99 and 5/10/00 each list dozens of discrepancies between what was in the files and what should have been in the files. There were other references to file problems in the memoranda given to Complainant in her August, 2000 meeting with Mensah. Thus, it appears that record keeping was a problem area for Complainant and that she never adequately addressed that problem. Such evidence helps to undermine Complainant's *prima facie* case because it suggests another justification for the adverse actions taken against her.

In short, there is no convincing evidence to demonstrate that there was a causal nexus between Complainant's complaints about sexual harassment and the actions taken against her. On the basis of the record in this matter, Complainant's failure to establish *prima facie* cases dooms her retaliation claims. As a result, those claims should be dismissed with prejudice.

#### DAMAGES

Complainant is entitled to an award of damages for the emotional distress caused by the sexual harassment she received. On the facts of this case, that award should be substantial.

As discussed above, it is unlikely that Mensah's advances were quite as frequent as Complainant now says they were. Nonetheless, it is clear that those advances had serious effects on Complainant's emotions.

The most egregious examples of harassment were during the two visits made to Complainant's home. Those two visits were the ones to which Complainant's daughter testified. After the September, 1999 incident, Complainant's daughter urged her to quit her job. She offered to work during the school year if money was a problem. Complainant's daughter repeated her earlier advice after the November, 1999 incident. Complainant explained that she needed the job to keep the family going. At the time of those incidents, Complainant's daughter was only about fifteen years old. It deeply affected Complainant to have her daughter witness such actions.

The incidents at her job also affected Complainant's emotions. Complainant testified that she could not predict when Mensah would show up at her work site. That uncertainty made her nervous on the job. Furthermore, she came to dread visits to the corporate office in Mensah's home. She testified that she tried to get members of her staff to make deliveries and pickups at the office so she would not have to encounter Mensah.

Fortunately for Complainant, she was able to cope with her stress without the need for medical help. Nonetheless, it was clear from her demeanor during the public hearing that she still bears some emotional scars from the harassment she received. Harassment on that scale requires a significant award. In her posthearing brief, Complainant requests an award of \$150,000.00. That request is too high in light of the existing case law in this forum.

The Human Rights Commission awarded \$25,000.00 in emotional distress damages in *Fecht and Martin Title Co.*, \_\_\_ Ill. HRC Rep. \_\_\_, (1997CF1925, July 8, 2002). With regard to the severity of the damages, the facts in *Fecht* are fairly similar to the facts in the instant case.

The complainant in ***Fecht*** was harassed by a boss who touched her whenever she was within reach. The touching in ***Fecht*** was less severe than the extremely aggressive behavior Complainant described in her testimony in this case. The resulting symptoms of stress, though, were quite similar. Like Complainant in this case, the complainant in ***Fecht*** was embarrassed and began to dread having to come to work and see her boss, but she was able to deal with her emotional injuries without medical help.

In light of the similarity in the emotional effects of the harassment, ***Fecht*** seems a reasonable yardstick for the damages in this case. However, some increase in the damages in the instant case is justified by the more aggressive behavior and by the presence of Complainant's daughter at two of the more egregious incidents. As a result, it is recommended that Complainant be awarded \$35,000.00 in compensation for her emotional distress. (It should be noted that Complainant also testified to significant emotional distress as the result of a number of financial setbacks, including the loss of her apartment. That distress, though, is not the result of Respondents' sexual harassment. It was the result of the discharge. As discussed above, it does not appear that Respondents violated the Human Rights Act with regard to the discharge.)

In addition, Respondents should be ordered to cease and desist from further sexual harassment. This type of situation should not be allowed to recur.

Finally, Respondents should be required to pay Complainant's reasonable attorneys fees and costs. That amount will be determined after review of the parties' written submissions on that issue.

#### RECOMMENDATION

Based upon the foregoing, Complainant failed to prove that Respondents unlawfully retaliated against her when they suspended and discharged her. Therefore, it is recommended that the retaliation counts of the complaint in this matter be dismissed with prejudice.



However, Complainant did prove by a preponderance of the evidence that Respondents sexually harassed her. Accordingly, it is recommended that the sexual harassment counts of the complaint in this matter be sustained and that an order be entered awarding Complainant the following relief:

A. That Respondents pay to Complainant the sum of \$35,000.00 as compensation for the emotional distress resulting from their sexual harassment of Complainant;

B. That Respondents be jointly and severally liable for amounts awarded to Complainant as a result of this litigation;

C. That Respondents cease and desist from further sexual harassment;

D. That Respondents pay to Complainant the reasonable attorney's fees and costs incurred in prosecuting the sexual harassment claims, that amount to be determined after review of a motion and detailed affidavit meeting the standards set forth in ***Clark and Champaign National Bank***, 4 Ill. HRC Rep. 193 (1982), said motion and affidavit to be filed within 21 days after the service of this Recommended Liability Determination; failure to submit such a motion will be seen as a waiver of attorney's fees;

E. If Respondents contest the amount of requested attorney's fees, they must file a written response to Complainant's motion within 21 days of the service of said motion; failure so to do will be taken as evidence that Respondents do not contest the amount of such fees;

F. The recommended relief in paragraphs A through C is stayed pending issuance of a Recommended Order and Decision with the issue of attorney's fees resolved.

HUMAN RIGHTS COMMISSION

BY: \_\_\_\_\_  
MICHAEL J. EVANS  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: February 10, 2004